

1-2. CALL TO ORDER AND ROLL CALL. Chair Goddard called the meeting to order at 7:30 pm at Durham City Hall.

Commissioners Present: Brian Goddard, Krista Bailey, Laurie Volm and Julie Atwood

Commissioners Absent: Pat Saab, Gary Paul, and Jeff Anderson

Staff Present: City Administrator Linda Tate and Administrative Assistant Lynn Schroder

Public Present: Chris Hill, Peters Rd

3. MINUTES OF THE MARCH 5, 2019 COMMISSION MEETING. Commissioner Bailey moved to approve the minutes of the March 5, 2018 meeting. Commissioner Volm seconded the motion. The minutes were approved 4-0. **MO 050719-1**

4. PUBLIC FORUM – none.

TREE REMOVAL APPLICATIONS – 8125 SW PETERS ROAD, PERMITS 507 to 510-19.

City Administrator Tate presented four tree removal applications for 8125 SW Peters Road. The homeowner, Chris Hill, was present to answer questions about his application. Mr. Hill is seeking to remove one Douglas fir and three big leaf maple trees in his backyard to place artificial turf play area for his children. He stated that the trees need to be removed to make room for approximately 3,500 square feet of turf. The play area will come to within three feet of the property line. He stated that the turf would be installed on top of compacted gravel. The turf cannot be installed over the tree roots. He plans to replace the trees in his back yard with trees from the approved mitigation list. Mr. Hill does not have a cost estimate or plans drawn up to do the work. Mr. Hill has previously removed two damaged and diseased trees in his backyard in 2016 and seven trees on his property in 2015 as part of a remodeling project. He currently has approximately 15 trees on his property.

Commissioner Volm stated that the trees are in the periphery of the project. She asked why they need to be removed. Mr. Hill replied that the roots are in the way of the turf area.

Commissioner Goddard stated that the fir tree does not look like it is thriving.

Commissioner Volm stated that she believes that, as a general practice, the Planning Commission should require applicants to submit defined plans for the improvement before considering a tree removal request. Otherwise, applicants can submit vague improvement proposals as justification to remove any number of trees on a property and never follow through. The result would be that trees are removed without cause. She believes that cutting down trees without firm plans for property improvement violates the stated purpose of the tree protection ordinance to protect trees. She believes that the applicant has the burden of proof to show that the tree removal is imminently necessary for the proposed improvement.

Tate stated that the approval could be contingent on the installation of the play area. Commissioner Goddard noted that such a contingency would be problematic to enforce.

Goddard stated that it does not matter if the property owner follows through with a proposed improvement. He said that if the property owner seeks to improve their property, the Commission should allow the tree to be cut down as long as the property owner mitigates by planting a replacement tree.

Commissioner Bailey stated that she believes the Planning Commission's responsibility is to require mitigation for tree removals, not to decide whether or not a tree removal is necessary for a proposed improvement. Bailey stated that the tree canopy needs to be continuously regenerated with new trees and different species of trees.

Commissioner Atwood thought that a property owner has the right to construct improvements and otherwise utilize their property in an economically beneficial manner.

Commissioner Atwood stated that she had a conversation with an arborist who told her that diversifying the tree canopy would be beneficial to reduce the threat from disease and pests. Atwood believes replacing Douglas firs and big leaf maples with other species of trees would benefit Durham's tree canopy.

Commissioner Atwood stated that the applicant would like to install a large, unobstructed play surface for children to play and practice competitive sports to allow year-round play. The trees need to be removed to allow an unobstructed play area and to prevent the roots of the tree from damaging the installed turf. Atwood stated that the Douglas fir tree is disfigured and its canopy is minimal. Atwood stated that it would be beneficial to remove the Douglas fir and replace it with another species of tree to diversify the tree canopy. Atwood stated that the maples trees are not as tall as the fir tree, so they are only minimally affected by the wind. The property is surrounded by trees that provide shade. Atwood stated that the removal of the tree would not affect the number of trees in the neighborhood because they will be replaced. Atwood stated that because the trees are in the backyard, they would not affect the neighborhood characteristics and beauty. Atwood stated that applicant would plant four trees as mitigation.

The Planning Commission finds that the request to remove the Douglas fir meets the criteria of a Type E permit and falls under a Type 2 process for review and decision by the Planning Commission. The required public notice was delivered to affected persons on April 19, 2019. Additionally, the Planning Commission finds that the applicant meets the criteria for approval consistent with the stated purpose of the tree protection ordinance. Consideration for approval was given based on the desire to create a play area to improve the enjoyment and value of his property, the location of the tree and its impact on the desired improvement, the number of trees and canopy remaining on the property, the type of tree, the impact to the surrounding areas and character of the neighborhood, and the required mitigation tree.

Commissioner Atwood moved to approve permit 507-19 as a Type E permit with mitigation of one tree from the list of approved mitigation trees. Commissioner Goddard seconded the motion. The application was approved as Type E permit with mitigation required (4-0).

MO 050719-2

The Planning Commission finds that the request to remove three maples meets the criteria of Type E permits and falls under a Type 2 process for review and decision by the Planning Commission. The required public notice was delivered to affected persons on April 19, 2019. No written comments were submitted. Additionally, the Planning Commission finds that the applicant meets the criteria for approval consistent with the stated purpose of the tree protection ordinance. Consideration for approval was given based on the desire to create a play area to improve the enjoyment and value of the property, the location of the tree and its impact on the desired improvement, the type of trees, number of trees and canopy remaining on the property, the impact to the surrounding areas and character of the neighborhood, and the required mitigation trees.

Commissioner Atwood moved to approve permit 508, 509, and 510-19 as Type E permits with mitigation of three trees from the approved list of mitigation trees. Commissioner Volm seconded the motion. The application was approved as Type E permit with mitigation required (4-0). **MO 050719-3**

5. **COMMISSIONER COMMENTS.** Commissioner Atwood stated that she attended a public comment session for the SW Corridor Light Rail Project. She commented on the proposal and process. Atwood felt the proposal was moving forward without consideration of citizens' comments. She was surprised to learn that Mayor Schirado is serving on the Steering Committee for the project. She would like to hear more about Durham's participation on the project.
6. **ADJOURN.** Commissioner Atwood moved to adjourn the meeting. Chair Goddard adjourned the meeting at approximately 8:45 pm.

Approved: _____
Brian Goddard, Chair

Attest: _____
Linda Tate, City Administrator